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Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

EFRAIN PRECIADO, JR. A.T.
909 Ohio Street
Redlands, Ca 92374

Physical Therapist Assistant License
No. AT8141

Respondent.

Case No. 1D-2007-65564

OAH No. 2008050811

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical
Therapy Board of California. He brought this action solely in his official capacity and is
represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
by Douglas Lee, Deputy Attorney General.

2. Efrain Preciado, Jr., A.T. (Respondent) is representing himself in this
proceeding and has chosen not to exercise his right to be represented by counsel.

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3. On or about January 17, 2006, the Physical Therapy Board of California issued Physical Therapist Assistant License No. AT8141 to Efrain Preciado, J.R., A.T. The Physical Therapist Assistant License was in full force and effect at all times relevant to the charges brought in Accusation No. 1D-2007-65564 and will expire on April 30, 2009, unless renewed.

JURISDICTION

4. Accusation No. 1D-2007-65564 was filed before the Physical Therapy Board of California (Board), Department of Consumer Affairs, and is currently pending against respondent. The Accusation and all other statutorily required documents were properly served on respondent on May 8, 2008. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 1D-2007-65564 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 1D-2007-65564. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in
3 Accusation No. 1D-2007-65564.

4 9. Respondent agrees that his Physical Therapist Assistant License is subject
5 to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the
6 Disciplinary Order below.

7 CONTINGENCY

8 10. This stipulation shall be subject to approval by the Physical Therapy Board
9 of California. Respondent understands and agrees that counsel for Complainant and the staff of
10 the Physical Therapy Board of California may communicate directly with the Board regarding
11 this stipulation and settlement, without notice to or participation by respondent. By signing the
12 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
13 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
14 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
15 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
16 action between the parties, and the Board shall not be disqualified from further action by having
17 considered this matter.

18 11. The parties understand and agree that facsimile copies of this Stipulated
19 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
20 force and effect as the originals.

21 12. In consideration of the foregoing admissions and stipulations, the parties
22 agree that the Board may, without further notice or formal proceeding, issue and enter the
23 following Disciplinary Order:

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that ERFRAIN PRECIADO, JR., holder of Physical Therapist Assistant License No. AT8141, shall be and is hereby publically reproved by the Board for violating Business and Professions Code section 2660, subdivision (d) [conviction of a crime], as alleged in Accusation No. 1D-2005-64378; provided however, that said public reproof is conditional upon respondent’s full compliance with the following conditions precedent:

1. COST RECOVERY The respondent is ordered to reimburse the Board the actual and reasonable investigative and prosecutorial costs incurred by the Board in the amount of \$1,400.00. In the event respondent fails to pay within thirty (30) days of this Decision. Failure to pay the ordered reimbursement, or any agreed upon payment, within 60 days of the effective date of this Decision constitutes a violation of probation. The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to reimburse the Board. If respondent is in default of his responsibility to reimburse the Board, the Board will collect cost recovery from the Franchise Tax Board, the Internal Revenue Service or by any other means of attachment of earned wages legally available to the Board. Failure to fulfill the obligation could also result in attachment to the Department of Motor Vehicle registrations and/or license renewals.

2. FAILURE TO COMPLY WITH ORDER A material breach by respondent of this order shall constitute unprofessional conduct and shall be a basis for further disciplinary action by the Board. In such circumstances, Complainant may reinstate the Accusation in Case No. 1D-2005-64378, file an amended accusation, and/or file a supplemental accusation alleging any material breach of this order by respondent as unprofessional conduct.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Physical Therapist Assistant License.

I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Physical Therapy Board of California.

DATED: July 17, 2008

ORIGINAL SIGNED BY:

EFRAIN PRECIADO, JR. A.T.
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physical Therapy Board of California of the Department of Consumer Affairs.

DATED: July 21, 2008

EDMUND G. BROWN JR., Attorney General
of the State of California

STEVEN V. ADLER
Supervising Deputy Attorney General

ORIGINAL SIGNED BY:

DOUGLAS LEE
Deputy Attorney General

Attorneys for Complainant

Exhibit A
Accusation
No. 1D-2007-65564

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Respondent.

Case No. 1D-2007-65564

OAH No. 2008050811

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on September 15, 2008 .

It is so ORDERED August 15, 2008

ORIGINAL SIGNED BY NANCY KRUEGER, PT
FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

Nancy Krueger, PT
President